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April 30, 2019

VIA ELECTRONICALLY ONLY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *TeleMedia* Policy Corp./Iota Communications
Ex Parte Presentation
WP Docket Nos. 15-32 and 16-261

Dear Ms. Dortch:

This responds to the above-referenced letter submitted on April 15, 2019, by *TeleMedia* Policy Corp. (“*TeleMedia*”) on behalf of Iota Communications (“Iota”). The letter describes an *ex parte* phone conversation between representatives of *TeleMedia*/Iota and staff of the Wireless Telecommunications Bureau (“WTB”). The Enterprise Wireless Alliance (“EWA”) is an interested party in this matter given its long-standing participation in the above-referenced proceeding and its status as a Federal Communications Commission (“FCC”)-certified 800 MHz frequency advisory committee (“FAC”).

In that conversation, *TeleMedia*/Iota advocated that a “first-in-time methodology” be used by 800 MHz FACs in processing applications for 800 MHz Expansion Band and Guard Band (“EB/GB”) channels. They asserted that this methodology would promote the “rapid deployment of under-utilized spectrum.” Further, *Telemedia*/Iota stated that “while instances of mutual exclusivity will arise with the next release,¹ they will be manageable in number and addressable through negotiation, as has been the case in prior releases.”

¹ We assume that the “next release” refers to an FCC Public Notice announcing the availability of EB/EB spectrum in additional areas of the country where the rebanding process has now been completed. Such a Public Notice was released on April 25, 2019: *Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Announce the Availability of Additional Sprint Vacated Channels and the Availability of Expansion Band and Guard Band Channels in Certain NPSPAC Regions*, WT Docket No. 02-55, Public Notice, DA 19-330 (EB/GB PN).

Based on its decades of experience as a FAC, EWA strongly disagrees. As highlighted in the EB/GB PN, a fundamental purpose of prior coordination is to avoid the filing of mutually exclusive applications with the FCC. The “first-in-time methodology” touted by *TeleMedia/Iota* works efficiently when, as is the norm, there are fewer than a handful of applications whose information needs to be exchanged daily among Business/Industrial/Land Transportation (“B/ILT”) FACs and likely a smaller number among Public Safety (“PS”) FACs. It works because those applications seek channels randomly around the country and, for the most part, are filed by parties with established businesses and specifically identified communications requirements. It is only in the rarest of instances that mutual exclusivity issues arise.

That will not be the case with these EB/GB channels based on experience with the volume and type of applications received when the FCC released this spectrum in previous markets.² Since most of this spectrum is assigned for Specialized Mobile Radio (“SMR”) use, applicants need have no qualifications other than an ability to sign a check for the cost of application preparation, frequency coordination, and whatever other charges are assessed by entities in the business of soliciting parties to file SMR applications as an investment opportunity. Since places like Bismarck, North Dakota and Charleston, West Virginia became hotbeds of SMR licensing activity, it is more than reasonable to assume a significant multiple of those numbers of applications will be filed for channels in New York, Chicago, Dallas, San Francisco, and similarly attractive markets. EWA has been told, but cannot independently verify, that *Iota* alone may be involved in 2,000 or more applications.³

TeleMedia/Iota fail to appreciate something recognized by all B/ILT and PS FACs with a single exception: This anticipated volume of applications cannot be processed efficiently under a first-in-line methodology. *Iota* and its clients will not be the only applicants during the next release. The instances of mutual exclusivity will not be manageable but may require weeks or months to resolve, if that even is possible through negotiation. The *ex parte* letter states that mutual exclusivity was managed through negotiation in prior releases of EB/GB spectrum. EWA is not aware of any such peaceable resolutions. In fact, the FCC was called upon to referee the dispute between

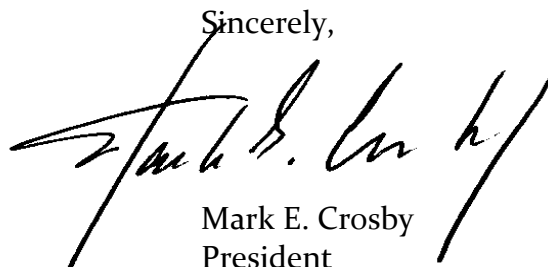
² See *Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Announce the Completion of 800 MHz Band Reconfiguration in Certain NPSPAC Regions*, Public Notice, 27 FCC Rcd 14775 (PSHSB/WTB 2012); see also *Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Announce the Completion of 800 MHz Band Reconfiguration in Certain NPSPAC Regions and the Availability of Additional Sprint Vacated Channels*, Public Notice, 29 FCC Rcd 16290 (PSHSB/WTB 2014).

³ The EB/GB PN states that “...we may impose a temporary freeze on the acceptance of Expansion and/or Guard Band applications in the event there is an inordinately large number of applications that would compromise the availability of adequate spectrum resources for applicants with *bona fide* intentions to offer service.” Further, the PN states that the FCC “... will also investigate any unusual concentration of applications” EB/GB PN at 9. EWA is not sure what would constitute an “inordinately large number of applications” or an “unusual concentration of applications,” but 2,000 plus applications under the management of a single organization would seem to warrant close examination.

Smartcomm License Services, LLC⁴ *et al.* and Janus Spectrum Group, LLC *et al.* regarding the priority of their applications in the coordination process for earlier EB/GB spectrum.⁵ If *TeleMedia/Iota* seek a process that expedites the delivery of spectrum to the marketplace, it certainly is not a “first-in-time” process.

The FCC has charged the B/ILT and PS FACs to ensure the Commission does not receive mutually exclusive EB/GB applications. The FACs have been working towards a coordination process that they believe will best serve the interests of all applicants, including Iota’s clients. EWA is at a loss to understand why Iota feels it will benefit from an application process that is doomed to maximize instances of mutually exclusive applications, rather than supporting efforts to avoid those situations entirely.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark E. Crosby", written over a light blue horizontal line.

Mark E. Crosby
President

cc: Charles Mathias (charles.mathias@fcc.gov)
Roger Noel (roger.noel@fcc.gov)
Scot Stone (scot.stone@fcc.gov)
Justin W. Lilley (justin@TeleMediaPolicy.com)

⁴ While the relationship between the companies is unclear, the Downs family is involved in both Smartcomm License Services, LLC, which recently filed for bankruptcy, and Iota.

⁵ *Smartcomm License Services, LLC et al.*, Order, File Nos. 0005608009 *et al.*, 29 FCC Rcd 302 (2014).